68(12)

APPENDIX 'A'

THE MATTEDODDI SCANDAL.

SRI HANUMANTHAIYA'S ARTIFICE TO SECURE GRANT FOR HIS BROTHER - SKETCH PREPARED BY REVENUE OFFICERS TO THE ORDER OF SRI NANJAPPA FOR DELIVERY OF POSSESSION - SRI HANUMANTHAIYA'S OPEN CONNIVANCE AND COMPLICITY.

(1) This appendix attempts to collate in a proper perspective a full but concise history of what has come to be known as the Mattedoddi Scandal. It is, therefore, inevitable that this fascicle must necessarily repeat wherever necessary some of the facts already stated in the earlier memorandum. For the same reason, it will be found that although some of the incidents alluded to here might superficially appear to be more germane to the complaint relating to the interference by Sri Hanumanthaiya with the course of justice in the State, are nevertheless closely linked with the theme of this Note, establishing as they do that the pertinacity with which Sri Hanumanthaiya endeavoured to deflect the course of justice is incompatible with any other hypothesis than his deep and active complicity in this disreputable episode.

(2) There is indisputable direct and circumstantial evidence that Sri Nanjappa got the undemarcated lands and contrived to obtain possession of the disputed lands by fully employing to his advantage his brother's Chief Ministership. There is similar irrefutable evidence that Sri Hanumanthaiya not merely knew and connived at it but actively aided and collaborated in the conspiracy for the usurpation of the property which it is admitted was in the occupation and enjoyment of others, both when Sri Nanjappa applied for their grant and when he managed to get inducted into their possession. The dis-

ingenuous part played by Sri Nanjappa and the Chief Minister for the implementation of their discreditable scheme will be clear from a proper understanding of the salient events in their proper chronology. You will agree with me that the factors to be considered in regard to the charge against Sri Hanumanthaiya are:

(a) His conduct at the time of the grant to his brother and before it;

(b) his conduct relatable to the delivery of the land to his brother; and

(c) his conduct subsequent to such delivery proceedings.

It will be seen that his activities during all these stages, besides doing him little credit, conclusively establish the accusations against him. I shall now mention a few relevant dates:

(a) March 1951: Suspension of Sri Nanjappa, who was a subordinate employeein Mysore State Service, when he was discovered from a report of the Director of the Anti Corruption Department to have embezzled Government funds to the extent of Rs.22,000/-

(b) 3--5--1951: Application by Sri Nanjappa for the grant. He was then still under suspension about which, strangely enough, no final orders have been made till to-day.

(c) February 52: Shri Lal Bahadur Shastri's visit to Bangalore to have a consultation with the Congress Legislature Party, when it became clear that Sri Hanumanthaiya would become the Chief Minister of the State.

(d) 20-3-1952: Government order granting 50 acres of an unspecified area of land in the Achal Forest to Sri Nanjappa.

(e) 28-3-1952: Sri Hanumanthaiya elected Leader of the Congress Legislature Party and immediately assumed office as Chief Minister of the State.

(f) 7--5--1952: It was on this date that Sri V. Nanjappa managed to obtain delivery of possession of the disputed lands, whose normal value is in the neighbourhood of Rs.1,000/- an acre, at a nominal upset price of Rs.20/- per acre. It will be seen from another part of this appendix that he managed to get possession of

whatever lands he wanted and in accordance with a sketch prepared under his directions by an official of the Revenue Department.

(g) October 1952: Debate about the grant in the Legislative Assembly. Admission by Home Minister that Sri Nanjappa was stillunder suspension, although three different versions were given about it in three different sessions of the Assembly.

(h) 17-12-1952: Venkatappa Committee's report to the Leader of the Congress Legislature Party about the propriety of the grant. This Committee, it will be remembered, was constituted pursuant to the discussions on the various occasions about this grant both in the Legislative Assembly and in the Party. The Committee was requested to examine the facts and advise Government as tohow this grant should be dealt with by it. The majority report of the Committee was that the transaction relating to the grant was not above suspicion and could not be dissociated with Sri Hanumanthaiya's election about a week later as the leader of the Legislature Party and with his previous position as President of the M.P.C.C. This report also recommended in the larger interests of the party that Sri Nanjappa might however be permitted to retain 10 acres of land and surrender possession of the remaining 40 acres to their legitimate occupants. There was a further recommendation that the State should withdraw from the prosecutions launched against the erstwhile occupants. It is undisputed that Sri Hanumanthaiya never implemented any of the recommendations of this report. The copy of the report of the Committee, which has already been despatched, is again appended for ready reference and marked 'A'.

(3) It will now be useful to mention a few admitted facts. They are:

(a) At the time Sri Nanjappa applied for the grant, he and Sri Hanumanthaiya were living jointly. Sri Nanjappa admitted it in his evidence before the Additional Sessions Judge in a case in which, on his complaint, four previous occupants were accused of having set fire to Sri Nanjappa's sheds on the disputed lands. This complaint was found to be false and the accused were acquitted. His deposition is herewith produced and marked 'B'. The relevant portion is marked 'B1".

(b) When Sri Nanjappa made his application for the grant, he knew that the lands were in the occupation of others. It is unthinkable that Sri Hanumanthaiya was unaware of it and

it is clear that he and his brother cast their covetous eyes on the property which had been made quite valuable by those occupants at considerable labour and expense. In the evidence which he gave as above stated, Sri Nanjappa tried to equivocate on this matter but had to ultimately admit when confronted with his own previous statements, that the lands were then under such cultivation. This portion of his deposition is marked 'B2'.

(c) It is again absolutely clear that when Sri Nanjappa was tried to oust the other occupants from the lands, those lands were actually under cultivation by the previous occupants. Sri Nanjappa, in the part of the evidence marked 'B3' gave shifting evidence and said that he did not know about it. But another prosecution witness, Sri B. Narasiah, an official of the Revenue Department, in his evidence marked 'C' admitted in cross examination that at the time of the delivery of the lands to Sri Nanjappa they were under cultivation byothers. The relevant portion is marked 'C1'.

(d) The Government Order making the grant to Sri Nanjappa related to an unspecified plot of land. It could not entitle Sri Nanjappa to obtain under colour of that order lands in the occupation of others. The evidence of Sri Narasiah, above-mentioned, establishes that before Nanjappa got possession of the lands a sketch was prepared under the directions of Sri Nanjappa and that according to the wishes of Sri Nanjappa the lands were given possession to him in accordance with that sketch - lands which were actually in the occupation of thers. The evidence of this witness makes it very clear that those other occupants were in rightful possession of these lands. The relevant portion of this evidence is marked 'C2'.

(4) While the above facts are admitted, there is convincing proof that Sri Hanumanthaiya and Sri Nanjappa are even to-day joint holders of several properties. They possess in common their family properties and are joint holders of a large number

of shares in the Bank of Mysore, Limited. They are quite fond of one another and although Sri Nanjappa claims to be separately residing from his brother, after Sri Hanumanthaiya became the Chief Minister, it is well known that his separate residence is a make-believe. Sri Nanjappa tried to make out in the course of his evidence that there had been a partition between him and Sri Hanumanthaiya many years ago, but it is difficult to believe this story and there appears to be no document evidencing any such partition. Quite recently, about a few months ago, a property was purchased in Bangalore by Sri Nanjappa for about Rs.23,000/-. Sri Nanjappa who, when suspended, was only a poor Agricultural Inspector on a salary of Rs.100/-. It is a mystery how he could come by such big sums. These facts and the persistent refusal of Sri Hanumanthaiya's to annul the grant or to direct the restoration of the lands to their legitimate occupants, justify the inference that Sri Hanumanthaiya has also a beneficial interest in the grant.

(5) With this as the background, the conduct of Sri Hanumanthaiya at the time of the grant assumes great importance. There is good evidence that immediately before the Government made the grant, Sri Hanumanthaiya evinced unusual interest in it. He approached the then Revenue and LSG. Ministers and discussed with them his brother's application. He told those Ministers, in his own characteristically subtle way, that the mere fact that Sri Nanjappa was his brother should not stand in the way of their otherwise granting the application. Sri Hanumanthaiya was then the President of the Mysore Pradesh Congress Committee and about his prospective Chief Ministership there was then not the slightest doubt. What else can be the inference but that he

did not hesitate to exploit the situation for securing from the then Ministry some grant, however incohate, the potentiality of which would however be unlimited after he assumed office?

(6) What was his conduct after he became Chief Minister? He forthwith reversed or suspended numerous orders of the previous Ministry, but the grants to his brother as also to a friend of his, viz., one Sri Gangadharaswamy, were not so treated. What is the explanation that he could offer for this discrimination? On the contrary, the grant was with marvellous quickness followed up by oppressive and highhanded delivery proceedings ~~fxix~~ and something very interesting happened during the brief interrugnum between his assumption of office and the delivery of the lands. There is circumstantial evidence to show that the Sub Division Officer having jurisdiction over the area received suitable instructions from the Chief Minister at Mysore to effect the delivery of the coveted lands to Sri Nanjappa,

(7) The conduct of Sri Hanumanthaiya after these delivery proceedings is equally significant. After the delivery of the lands was made there was a great furore about it. The poor agriculturists who were summarily bundled-out of their lands were subjected to many criminal prosecutions. The Chief Minister would neither direct the withdrawal of those prosecutions nor would he give effect to the other recommendations of the Venkatappa Committee that at least 40 acres of lands should be restored to their legitimate occupants, as recommended by the Committee. What is the inference to be drawn from this refractoriness?

(8) Let us now examine his activities in relation to the many criminal prosecutions launched against the previous occupants, at the instance of Sri Nanjappa. One Magistrate had the

courage to refuse any special treatment to Sri Nanjappa. Forthwith arrived a petition containing scandalous and false allegations against the Magistrate at the chambers of the Law Minister. This was the petition which Justice Balakrishniah's report revealed as having been engineered by Sri Nanjappa. It is well known that the Law Minister's curious desire to get the Magistrate immediately transferred was defeated by the refusal of the Chief Justice to countenance any such outrageous procedure and that the enquiry by the High Court revealed that Sri Nanjappa was the architect of the contumacious petition. But as everyone is aware, the Government declined to prosecute Sri Nanjappa and his other collaborators although that course was suggested by the High Court. How could the Government justify its refusal to do what was its plainest duty and how could any one escape the only inference that the reluctance to do so was due to Sri Hanumanthaiya's anxiety to avoid doing anything which would weaken Sri Nanjappa's position or his claims to the disputed property.

(9) This strange refusal by the Government to prosecute the miscreants rendered it necessary for the High Court to start the proceedings under the Contempt of Courts Act, about which the High Command is so well aware. No High Court, which is responsible for the maintenance of the dignity and prestige of its inferior courts and those who preside over it, would have acted differently. It is easy to imagine the frustration and anger of the Chief Minister and his colleagues at this development. At one stage of the case when it had been posted for disposal to April 2, 1953, the Chief Minister made the utterly unwarranted speech on March 31, 1953, on the floor of the Legislative Council. This speech he made three days before the date of the hearing of the case and none can fail to discover in his peroration the veiled threat to the High Court when he said that it would be well for its Judges to remember that the

Legislatures have the power to remove thmm if they so willed. A copy of this portion of the speech is appended hereto and marked 'D'. Fortunately, the High Court was undeterred by the threat and 17 accused persons were convicted The infuriated Chief Minister next began to freely proclaim that he would get the Chief Justice transferred from Mysore. False complaints, it is freely stated, were sent to the Centre that the Chief Justice was politically minded and was otherwise hostile to the Executive Government. Vigorous attempts seem to have been made to manufacture and fabricate evidence against him. It would be for the High Command to consider what should be the legitimate inference to be drawn from all this sound and fury and why Sri Hanumanthaiya should be so much interested in sabotaging the case against his brother.

(10) In May 1953, the Sessions case in which four of the occupants of the disputed lands were accused of having set fire to Sri Nnnjappa's sheds thereon commenced. The hearing of the case began on May 26, 1953. The prosecution evidence completely broke down and revealed the falsity of the accusation. In the crossexamination of the prosecution witnesses it was established that the grant and the delivery proceedings pursuant to it were clearly the outcome of political influence and abuse of official power. It was a foregone conclusion that the Judge would charge the Jury to return a verdict of 'not guilty'. It was exactly at this stage that the Government revived an old controversy relating to the correctness of the date of birth given by the Sessions Judge and peremptorily demanded his immediate explanation as to why he should not be immediately retired, although he would normally retire two years later. But for the High Court delaying the despatch of this communication to the Judge, although it had been described as a top priority matter, it would be easy to guess the fate of the accused. Fortunately, however, the

accused earned their well-merited acquittal. Is it possible for anyone to refuse to see the hidden hand of Sri Hanumanthaiya in this audacious performance? And how does it happen that on this matter which Government considered so emergent then, no orders till to-day have been passed after the disposal of the case?

(11) The Chief Minister would not leave the matter there. His tenacious desire to protect his brother and to assure unto themselves the disputed lands found expression in another form. On a complaint made by Sri Nanjappa, some of the occupants of the disputed lands had been convicted by a Magistrate of an offence of trespass. These accused filed a revision petition before the High Court. This petition was pending and was about to be heard. The Chief Minister was then enjoying a holiday in Ootacamund in the delightful company of Mr. Karanjia, the Editor of the 'Blitz', and his wife who, along with their child and maid servant, were staying with him as the guests of the State. The evidence in this trespass case as pointed out by the Magistrate himself was of an utterly flimsy character. Very strangely he convicted the accused. To use his own words, he said he was "constrained to do so". Why it was so, is plain. When the revision petition was about to be heard, the Chief Minister got busy again and published through the columns of "The Times of India", Bombay, in its issue dated June 22, 1953, his assertion that the grant to Sri Nanjappa had been validly made, had been held to be so by courts of law and that its previous occupants were trespassers. This publication is produced herewith and marked 'E'. The statements in it are palpably false and one need not wonder why the Chief Minister made them. It was a flagrant attempt to induce a decision in favour of his brother and thereby reinforce his claim under the grant.

(12) The members of the Legislature Party were, as the

High Command is aware, always desirous of an equitable settlement of this unseemly dispute. It must be said to their credit that in the interest of the solidarity of the party and the organisation, they were willing to accept any other just solution, notwithstanding the contempt that the Chief Minister had exhibited for the Venkatappa Committee report, by which he had agreed to be bound, in his passionate desire to enable his brother to hold on to the property. It was in this context that a further attempt was made by the members of the Party to secure justice for the dispossessed occupants of the lands. When the matter was therefore again debated in the Legislature Party in June 1953, Sri Hanumanthaiya adopted the subterfuge of making it appear that he would forthwith direct the restoration of the entire area to its original occupants provided the Legislature Party absolved him from all responsibility for the grant made to his brother and provided further that his brother was granted suitable compensation and an equal extent of land elsewhere. The Legislature Party in its anxiety to have the wrong done to the peasants righted, walked innocently into the trap and recorded a resolution to that effect. But they soon discovered that Sri Hanumanthaiya had not the slightest intention of returning the properties to their original occupants, but had only tricked the Party into an admission that his conduct relating to the grant was irreproachable. This resolution again shared the fate of the Venkatappa Committee Report.

(13) That the deprivation of property in this amazing manner was the outcome of a conspiracy in which Sri Hanumanthaiya was an active accessory and that he had an undoubted interest in the valuable lands which on account of their close proximity to Sri Hanumanthaiya's village, roused his cupidity and desire to own them can be deducted from the following further facts:

(a) The transfer of the Director of the Anti Corruption Department who had reported an embezzlement by Sri Nanjappa, immediately after Sri Hanumanthaiya became Chief Minister.

(b) The appointment to that post of Sri J. Appaji Gowda, whose son-in-law was himself accused of similar defalcation to the tune of nearly Rs.15,000/.

(c) The reported exoneration by Sri Appaji Gowda of both Sri Nanjappa and his own son-in-law. In the case of Sri Appaji Gowda's son-in-law, Government admitted on the floor of the Assembly that on the recommendation of the father-in-law only a sum of Rs.650/ was recovered from the son-in-law and the matter was closed.

(d) The employment of Government Bulldozers by Sri Nanjappa for use on the disputed lands for which it is admitted that, as against a sum of Rs.862/- due from him, the Government had not bothered to collect more than a small sum of Rs.100/-, vide the Minister's answer in the Legislative Assembly, the proceedings of which are reproduced herewith and marked 'E1'.

(14) Now, what does the above analysis disclose?

(a) Does it not establish the truth of the charge that both Sri Nanjappa and his brother Sri Hanumanthaiya abused their respective positions to enrich themselves at the expense of the ignorant peasants of the village who for several decades had been in enjoyment and possession of properties which had become quite valuable by their own efforts?

(b) Is it not legitimate to draw the inference that the Presidentship of the M.P.C.C., which Sri Hanumanthaiya enjoyed, and his virtual election of the Chief Ministership of the State made it easy for him to exercise political influence on the then Ministers to direct a grant to his brother? What is the inference to be drawn from the fact that within ten days after Sri Hanumanthaiya became the Chief Minister, Sri Nanjappa was able to order the preparation of sketch in accordance with his own wishes and to obtain possession of the land of other persons? How was he able to get a sketch drawn to his order by a Revenue official except by exploiting his brother's Chief Ministership? What is the significance of the sojourn of the Sub Division

Officer in Mysore immediately preceding the delivery proceedings; ~~as a guest of the Chief Minister~~? How could there be any doubt that Sri Hanumanthaiya has a definite and beneficial interest along with his brother in the property in question, when it is found that besides their family properties continuing to remain in their joint enjoyment, further acquisitions like the purchase of the Bank shares are also made in their joint names? Would it be possible to minimise the importance of the insidious influence exercised by Sri Hanumanthaiya on the Ministers of the previous Ministry for securing the grant and would he have done so had he no interest in it himself? What is the construction to be placed on his refusal to do nothing to put the rightful occupants in possession, of their properties, on his extraordinarily improper interest in the proceedings in the cases pending in the various courts, in which these lands formed the subject matter, and on the tenacity with which he flouted the report of the Venkatappa Committee and the resolution of the Party? There can be little doubt that the subterfuge by which the unfortunate, but determined, deprivation of property was accomplished was only by the unbounded and active support and connivance of Sri Hanumanthaiya. It has to be realised that this conclusion rests not merely on unmistakable circumstantial evidence, which is all that one should expect in a matter like this, but also on considerable direct evidence of the complicity of the Chief Minister who at every stage grossly misused his official position.